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**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

May 18, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Hull, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

C057578 CALIFORNIA OAK FOUNDATION v. COUNTY OF TEHAMA et al.; DEL WEBB CALIFORNIA CORP., et al.

Cause called. Thomas N. Lippe argued for appellant. Richard S. Zeilenga argued and James D. Vaughn and Steven G. Cohen appeared only for real parties in interest-respondents. Arthur J. Wylene appeared only for respondents. Cause submitted.

At 10:26 a.m., the court recessed. At 10:34 a.m., the court reconvened with Nicholson, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C055313 THE PEOPLE v. CLARK ROBINSON

Cause called. Madeline McDowell, court appointed counsel, argued for appellant. Larenda Delaini, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:59 a.m., the court recessed. At 11:01 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C059012 AGARD v. MILLER et al.

Cause called. Kevon Agard argued in pro. per. for appellant. No appearance was made for respondents. Cause submitted.

At 11:11 a.m., the court recessed. At 2:01 p.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C056879 PRESTON PIPELINES, INC. v. ROSS F. CARROLL, INC.; WILLIAMS et al.

Cause called. Cara O'Neill argued for real parties in interest-appellant. Tony J. Tanke argued for respondent. Cause submitted.

At 2:22 p.m., the court recessed. At 2:26 p.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

**COURT OF APPEAL
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Court Minutes

May 18, 2009, Continued

C055458 DRELINGER v. DRELINGER

Cause called. Edward A. Hoffman argued for appellants. Jay-Allen Eisen argued for respondents. Cause submitted.

At 2:52p.m., the court recessed until 9:30 a.m., Tuesday, May 19, 2009.

C058566 THE PEOPLE v. DARA KHUN (Not For Publication)

The judgment is affirmed. The trial court is directed to correct its records as discussed in this opinion at footnote 2 and to prepare an amended abstract of judgment reflecting the stay of only count 3 pending finality of the judgment on count 2, resulting in a total unstayed prison sentence of 12 years and four months. The trial court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P.J.

Butz, J.

May 19, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Nicholson, Associate Justice; and Harper, bailiff.

C058539 SCOTT v. PHOENIX SCHOOLS, INC.

Cause called. Bruce A. Scheidt argued and Kristanne T. Seargeant appeared only for appellant. James C. Ashworth argued for respondent. Cause submitted.

At 9:57 a.m., the court recessed. At 9:59 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Butz, Associate Justice.

C056362 WEST BAY BUILDERS, INC. v. KAMRAN & COMPANY, INC.

Cause called. Mark J. Divelbiss argued for appellant. William H. McInerney, Jr., argued for respondent. Cause submitted.

At 10:30 a.m., the court recessed. At 2:00 p.m., the court reconvened.

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*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
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Court Minutes

May 19, 2009, Continued

C058816 In re DAVID W. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES v. T.W. (Not For Publication)

The order of the juvenile court is affirmed.

BLEASE, Acting P.J.

We Concur: Raye, J.
 Robie, J.

C059050 V.C. v. THE SUPERIOR COURT OF SACRAMENTO COUNTY; THE PEOPLE (Certified For Publication)

Let a peremptory writ of mandate issue commanding the respondent Sacramento County Superior Court to enter an order in this case (1) vacating its order of May 7, 2008, dismissing the section 314 petition, (2) dismissing the May 9, 2008, notice of violation of probation, and (3) reinstating the February 29, 2008, notice of violation of probation. The alternative writ is discharged. The stay issued by this court shall remain in effect pending issuance of the remittitur.

CANTIL-SAKAUYE, J.

I concur:

Davis, J.*

This is one of those times when a court must divine what the Legislature intended when it enacted a statute susceptible to two reasonable, but conflicting, interpretations. ...

Thus, I concur in the disposition of the majority opinion. ...

Scotland, P. J.

**C056491 THE PEOPLE v. CHICO ROMERO WATTS
BY THE COURT:**

Appellant's petition for rehearing is denied.

DAVIS, Acting P.J.*

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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May 20, 2009

C059157 EAKER v. CAIN et al.

C058076 In re B.N.; THE PEOPLE v. B.N.

C059552 THE PEOPLE v. CANDIDO CARDOSO

C057453 THE PEOPLE v. (Not For Publication)
SAMUEL SANTIAGO ARCINIEGA, JR.

We Concur: Raye, Acting J.
Hull, J.

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STATE OF CALIFORNIA
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Court Minutes

May 20, 2009, Continued

C058483 THE PEOPLE v. (Not For Publication)
DANIEL RAY MCDONALD

The appeal is dismissed.

NICHOLSON, J.

We Concur: Blease, Acting P.J.
 Butz, J.

C059102 In re T.M.; THE PEOPLE v. TISHAWN M. (Not For Publication)

The judgment is modified to award the minor 306 days of custody credit. As so modified, the judgment is affirmed. The Sacramento County Juvenile Court is directed to amend its minute order accordingly and to forward a certified copy of the amended order to the Sacramento County Boys Ranch.

ROBIE, J.

We Concur: Raye, Acting P.J.
 Hull, J.

C059613 THE PEOPLE v. V.R. (Not For Publication)

The minor's maximum confinement term is modified to 56 months. Probation condition No. 9 is modified to read: "Do not associate with any person whom you know is disapproved of by Probation or your parents." As so modified, the judgment is affirmed. The juvenile court is directed to prepare an amended minute order and to forward a certified copy to the officer having custody of the minor.

ROBIE, J.

We Concur: Raye, Acting P.J.
 Hull, J.

C058669 In re KIMBERLY RENEE OLSON (Not For Publication)

The order granting defendant's writ of habeas corpus is affirmed.

BUTZ, J.

We Concur: Raye, Acting P.J.
 Hull, J.

May 21, 2009

C058977 THE PEOPLE v. (Not For Publication)
RODOLFO GABRIEL GONZALEZ

The judgment is affirmed.

NICHOLSON, J.

We Concur: Sims, Acting P.J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

May 21, 2009, Continued

- C059448 THE PEOPLE v. (Certified For Partial Publication)**
TACARE DESEAN PAYSINGER
As modified, the judgment is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
 Butz, J.
- C060022 THE PEOPLE v. (Not For Publication)**
RICHARD MARKESE POWELL
The appeal is dismissed.
ROBIE, J.
We Concur: Raye, Acting P.J.
 Hull, J.
- C059336 THE PEOPLE v. (Not For Publication)**
JEFFREY CHARLES WREN
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
 Nicholson, J.

May 22, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Raye, Associate Justice; and Horner, bailiff.

- C058110 THE PEOPLE v. MARTY DUPREE HILLIARD**
Cause called. Oliver J. Northup, Jr., court appointed counsel, argued for appellant. Kari L. Ricci, Deputy Attorney General argued for respondent. Cause submitted.

At 9:43 a.m., the court recessed. At 9:49 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

- C058576 In re the Marriage of PRICE v. PRICE**
Cause called. William S. Cushman argued for appellant. Martin F. Andreas argued for respondent. Cause submitted.

At 10:12 a.m., the court recessed until 9:30 a.m., Tuesday, May 26, 2009.

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THIRD APPELLATE DISTRICT**

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Court Minutes

May 22, 2009, Continued

- C058159 THE PEOPLE v. SOPHAN MAO (Not For Publication)**
Defendant's convictions for count 8 (possession of a firearm by a gang member), count 9 (carrying a loaded firearm by an active gang participant) and count 10 (street terrorism) and the finding of the gang enhancement under section 186.22, subdivision (b) (1) are reversed. In all other respects the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and to send a copy of the amended abstract to the Department of Corrections and Rehabilitation.
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C058272 THE PEOPLE v. (Not For Publication)**
KONOLUS IRWIN SMITH
The judgment is affirmed.
ROBIE, J.
We Concur: Raye, Acting P.J.
Hull, J.
- C058296 THE PEOPLE v. (Not For Publication)**
KEVIN LAMART SMALLS
The judgment is affirmed.
BUTZ, J.
We Concur: Raye, Acting P.J.
Hull, J.
- C054674 PETERSON et al. v. FORECLOSURE (Not For Publication)**
CONSULTANTS, INC.
- C057495 PETERSON et al. v. LIGHTY et al.**
The appeal of the judgment insofar as it pertains to FCI is dismissed. The judgment insofar as it pertains to the Lightys is affirmed. Respondents shall recover costs on appeal.
RAYE, J.
We Concur: Blease, Acting P.J.
Nicholson, J.